

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASHLEY PELMAN, ET AL.,

Plaintiffs,

-against-

McDONALD'S CORPORATION,

Defendant.

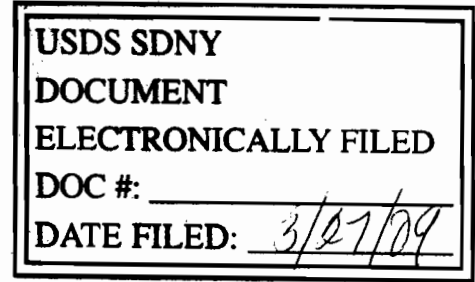
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WOOD, U.S.D.J.:

There are two motions currently pending in the instant case that both address the question of whether a class should be certified: (1) Defendant's motion to strike the class allegations (D.E. 102); and (2) Plaintiffs' cross motion to certify the class (D.E. 111). The parties agree that these two motions address virtually identical issues. (See Conf. Tr. 8:6-14, 10:21-11:5, 23:7-11, 31:20-32:2 Feb. 24, 2009.)

In order to ensure that the docket sheet appropriately reflects the actual work before the Court, the Court now directs the Clerk to close Defendant's motion to strike (D.E. 102).

The Court assures the parties that in resolving the remaining motion, Plaintiffs' motion to certify the class, the Court will consider, as appropriate, all papers, arguments, and evidence submitted on this issue, whether originally submitted as part of Defendant's motion to strike the class allegations, or as part of



02 CV 7821 (KMW)
ORDER

Plaintiffs' cross motion to certify the class.

SO ORDERED

Dated: New York, New York
March 27, 2009

Kimba M. Wood

Kimba M. Wood
United States District Judge